IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24507 of 2004

Between:

D.S.N.V.M.S. Kumar, S/o Peda Kapu,
Post Mogalthurthi, Mandal Mogalthurthi, Near Masjid, West Godavari District.

..... PETITIONER

AND

The Depot Manager, APSRTC,

Narasapuram Depot, West Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Proceedings No. E2/1 (9)/2004-NSP Dated 9-12-2004 issued by the Respondent in removing the petitioner from service as Conductor as perverse, arbitrary, illegal, contrary to law in violation of Principles of Natural justice and also in violation of C.C. & A Regulations, 1967, and also in violation of Articles 14 and 21 of the Constitution of India consequently set aside the same.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondent: MR.R.MANMADHA REDDY

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

–

WRIT PETITION NO : 24507 of 2004

ORDER:

Challenging the proceedings No.E2/1 (9)/2004-NSP dated 09-12-2004 in removing the petitioner from service as Conductor, the present writ petition is filed.

2. The learned counsel for the petitioner contended that in spite of submitting Medical Certificate, the respondent has not considered the case of the petitioner and the order under challenge is perverse.

3 . The learned standing counsel appearing for the respondent opposed the same on the ground that the petitioner has a remedy to file an appeal against the impugned proceedings. But instead of availing the remedy by filing a statutory appeal before the appellate authority, the petitioner filed this writ petition.

4. No doubt the alternative remedy is not a bar for exercising the jurisdiction of this Court under Article 226 of the Constitution of India. But at the same time the jurisdiction of the impugned proceedings is not under challenge. Therefore, in the fitness of things, I deem it consider to dispose of the writ petition with a direction.

5. Accordingly, the writ petition is disposed of with a direction to the petitioner to file a statutory appeal before the appellate authority and thereafter the appeal has to be disposed of by the appellate authority in accordance with law within a period of two months from the date of filing of the appeal on considering the contentions and explanation submitted by the petitioner. In the circumstances, there shall be no order as to costs.

_____

December 29, 2004

Kvr

To

1. The Depot Manager, APSRTC, Narasapuram Depot, West Godavari District.

2. 2 C.D copies.